

**SUPREME COURT MINUTES
TUESDAY, OCTOBER 23, 2007
SAN FRANCISCO, CALIFORNIA**

S153456**PATTERSON (VESTER LEE) ON
H.C.**

Pursuant to written request of petitioner, the above-entitled petition for writ of habeas corpus is ordered withdrawn.

S085348**PEOPLE v. CASTANEDA
(GABRIEL)**

Extension of time granted.

Good cause appearing, and based upon counsel John L. Staley's representation that he anticipates filing the appellant's reply brief by the end of December 2007, counsel's request for an extension of time in which to file that brief is granted to December 26, 2007. After that date, no further extension is contemplated.

S152912**HART (JOSEPH WILLIAM) ON
H.C.**

Extension of time granted.

Good cause appearing, and based upon Deputy Federal Public Defender Amanda R. Touchton's representation that she anticipates filing the informal reply to the informal response to the petition for writ of habeas corpus by January 1, 2008, counsel's request for an extension of time in which to file that document is granted to January 2, 2008. After that date, no further extension is contemplated.

S153739

B188797 Second Appellate District, Div. 6

**PEOPLE v. PACHECO (DAVID
MICHAEL)**

Counsel appointment order filed.

Upon request of appellant David Michael Pacheco for appointment of counsel, Athena Shudde is hereby appointed to represent appellant on the appeal now pending in this court.

S072196**SUSPENSION-NONCOMPLIANCE**

Order filed.

NEIL C. EVANS, #105669, was listed by the State Department of Social Services as being in arrears in payment of support obligations. He later obtained the necessary release from the appropriate local

child support agency. He has subsequently been identified by the Department of Child Support Services as again being delinquent. Pursuant to rule 9.22 of the California Rules of Court, IT IS HEREBY ORDERED that NEIL C. EVANS, #105669, be suspended from membership in the State Bar of California and from the rights and privileges of an attorney to act from and after November 16, 2007. IT IS FURTHER ORDERED that upon receipt by the State Bar of California of a release issued by the appropriate local support agency pursuant to Family Code 17520, the State Bar shall certify the fact of the receipt of such release to the Clerk of the Supreme Court and the suspension shall be terminated by order of this court and he shall be fully restored to membership in the State Bar of California, and to all rights and privileges, duties and responsibilities incident thereto; IT IS FURTHER ORDERED that until restored as above provided, he shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding himself out to the public as an attorney or counsel at law.

S108587**RULE 962 SUSPENSION**

Order filed.

STEVEN HOWARD HERTZ, #153971, was listed by the State Department of Child Support Services as being in arrears in payment of support obligations. He later obtained the necessary release from the appropriate local child support agency. He has subsequently been identified by the Department of Child Support Services as again being delinquent. Pursuant to Rule 9.22 of the California Rules of Court, IT IS HEREBY ORDERED that STEVEN HOWARD HERTZ, be suspended from membership in the State Bar of California and from the rights and privileges of an attorney to act from and after November 16, 2007. IT IS FURTHER ORDERED that upon receipt by the State Bar of California of a release issued by the appropriate local support agency pursuant to Family Code 17520, the State Bar shall certify the fact of the receipt of such release to the Clerk of the Supreme Court and the suspension shall be terminated by order of this court and he shall be fully restored to membership in the State Bar of California, and to all rights and privileges, duties and responsibilities incident thereto; IT IS FURTHER ORDERED that until restored as above provided, he shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding himself out to the public as an attorney or counsel at law.

S117527**RULE 962 SUSPENSION**

Order filed.

RICHARD CHARLES HARPER, #99758, was listed by the State Department of Child Support Services as being in arrears in payment of support obligations. He later obtained the necessary release from the appropriate local child support agency. He has subsequently been identified by the Department of Child Support Services as again being delinquent. Pursuant to Rule 9.22 of the California Rules of Court, IT IS HEREBY ORDERED that RICHARD CHARLES HARPER, be suspended from membership in the State Bar of California and from the rights and privileges of an

attorney to act from and after November 16, 2007. IT IS FURTHER ORDERED that upon receipt by the State Bar of California of a release issued by the appropriate local support agency pursuant to Family Code 17520, the State Bar shall certify the fact of the receipt of such release to the Clerk of the Supreme Court and the suspension shall be terminated by order of this court and he shall be fully restored to membership in the State Bar of California, and to all rights and privileges, duties and responsibilities incident thereto; IT IS FURTHER ORDERED that until restored as above provided, he shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding himself out to the public as an attorney or counsel at law.

S152705**LABRUCHERIE ON
RESIGNATION**

Order filed.

The order filed on September 19, 2007, declining to accept the resignation of JOHN RAYMOND LABRUCHERIE, State Bar No. 141051, as a member of the State Bar of California, is amended to reflect the State Bar number above.

S154479**SUSPENSION - NONPAYMENT**

Order filed.

Having been provided proof of compliance pursuant to Family Code 17520, the suspension of JOHN DAVID ROTHSCHILD, #51950, pursuant to our order filed on July 17, 2007, is hereby terminated. This order is final forthwith.

S154741**SUSPENSION DUES -
NONPAYMENT**

Order filed.

Due to clerical error on the part of The State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of fees filed on July 30, 2007, effective August 16, 2007, be amended nunc pro tunc to strike the name EDWARD J. ENG, #32124.

S154741**SUSPENSION DUES -
NONPAYMENT**

Due to clerical error on the part of The State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of fees filed on July 30, 2007, effective August 16, 2007, be amended nunc pro tunc to strike the name NANCY M. WANG, #224533.

S154741**SUSPENSION DUES -
NONPAYMENT**

Due to clerical error on the part of The State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of fees filed on July 30, 2007, effective August 16, 2007, be amended nunc pro tunc to strike the name INEZ YARBOROUGH VANDERBURG, #200548.

S155417 D046763 Fourth Appellate District, Div. 1**PEOPLE v. BOYSEN (DAVID
ANDREW)**

Order filed.

The order filed on October 17, 2007, granting the petition for review is amended only as to the number for *People v. Nelson* to read S147051.

S155638**ANTHONY ON DISCIPLINE**

Recommended discipline imposed.

It is ordered that JAMES MICHAEL ANTHONY, State Bar No. 36259 be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including ninety days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on June 21, 2007. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 9.20 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S155639**RAINEY ON DISCIPLINE**

Recommended discipline imposed.

It is ordered that RYAN HEFTON RAINEY, State Bar No. 122152, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on June 26 2007. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and one-half of said

costs be paid with membership fees for the next two billing cycles. It is further ordered that if respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S155641**WILLIAMS ON DISCIPLINE**

Recommended discipline imposed.

It is ordered that DARYL JAMES WILLIAMS, State Bar No. 145674, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. Daryl James Williams is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed April 13, 2007, as modified by its order filed June 6, 2007. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S155642**WOOD ON DISCIPLINE**

Recommended discipline imposed.

It is ordered that ROBERT EMMANUEL WOOD, State Bar No. 189622, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on June 21, 2007. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S155650**PRINCE ON DISCIPLINE**

Recommended discipline imposed.

It is ordered that DAVID BOYER PRINCE, State Bar No. 166113, be suspended from the practice of law for one year and until he makes restitution to: (1) Michael and Kenneth Wilson in the amount of \$7,000 plus 10 percent interest per annum from November 9, 2004; (2) Santa Clara County Defendants in the amount of \$4,875 plus 10 percent interest per annum from July 30, 2003; and (3) Juanita and Raymond Paredes in the amount of \$3,274 plus 10 percent interest per annum from

June 2, 2006, (or to the Client Security Fund to the extent of any payment from the fund to the Wilson's', the Santa Clara County Defendants, and the Paradez's, plus interest and costs, in accordance with Business and Professions Code section 6140.5), and furnishes satisfactory proof thereof to the State Bar's Office of Probation; that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 2, 2007, as modified by its order filed June 11, 2007. Any restitution to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivision (c) and (d). If David Boyer Prince fails to timely make any installment payment of restitution, the unpaid balance is due and payable immediately unless relief is granted under the Rules of Procedure of the State Bar of California. (See Rules Proc. of State Bar, rule 286.) It is further ordered that David Boyer Prince take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and one-half of said costs be paid with membership fees for the years 2008 and 2009. It is further ordered that if David Boyer Prince fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately and is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment unless relief has been granted under the Rules of Procedure of the State Bar.

S157378**SMISSAERT ON RESIGNATION**

Voluntary resignation accepted.

The voluntary resignation of JOHN HENRY SMISSAERT, State Bar No. 24595, as a member of the State Bar of California is accepted.

S157379**WHEELER ON RESIGNATION**

Voluntary resignation accepted.

The voluntary resignation of RONALD LEE WHEELER, State Bar No. 48864, as a member of the State Bar of California is accepted.

S157380**WINER ON RESIGNATION**

Voluntary resignation accepted.

The voluntary resignation of MARSHALL MARK WINER, State Bar No. 44691, as a member of the State Bar of California is accepted.

S157382

WITKIN ON RESIGNATION

Voluntary resignation accepted.

The voluntary resignation of JAN M. WITKIN, State Bar No. 122967, as a member of the State Bar of California is accepted.

S157383

**ARMS-ROBERTS ON
RESIGNATION**

Voluntary resignation accepted.

The voluntary resignation of CATHERINE M. ARMS-ROBERTS, State Bar No. 198936, as a member of the State Bar of California is accepted.

B201983 Second Appellate District

LARK (JOSHUA) ON H.C.

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred to the Court of Appeal, Fourth Appellate District, Division Two.

998920-07

THE HONORABLE HERBERT I.

LEVY, Associate Justice of the Court of Appeal, Fifth Appellate District, is hereby assigned to assist the Supreme Court, as a justice, thereof, on October 23, 2007, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary, by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

BAR MISC. 4186 **IN THE MATTER OF THE APPLICATION OF THE COMMITTEE
OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA
FOR ADMISSION OF ATTORNEYS (MOTION NO. 786)**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)